

REMARKS

The above amendments and following remarks are responsive to the points raised in the August 23, 2005 non-final Office Action. Upon entry of the above amendments, Claims 1-5, and 7-10 will have been amended, Claims 11-13 will have been canceled, new Claims 14-21 will have been added, and Claims 1-10, and 14-21 will be pending. No new matter has been introduced. Entry of this Amendment and reconsideration are respectively requested.

Response to Rejection under 35 U.S.C. § 101

Claims 10 and 13 have been rejected under 35 U.S.C. § 101 on the basis that “the claimed invention is not supported by either a claimed asserted utility or a well established utility. Claims 10 and 13 have to indicate a ‘computer readable’ storage medium ----.”

Applicant has amended Claim 10 and to recite, *inter alia*, “[a] computer-readable storage medium”, as commented by the Examiner; and Claim 13 has been canceled. As such, the amendments to Claims 10 and cancellation of Claim 13 obviates this rejection.

Accordingly, the rejection under 35 U.S.C. § 101 is moot and should be withdrawn.

Response to Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 3-5, and 9-13 have been rejected under 35 U.S.C. § 112, second paragraph, on the basis that these claims recite “‘a switch’ instead of “‘the switch.’”

Applicant has amended Claims 3, 4, and 5 have been amended to obviate this rejection.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Response to Rejection under 35 U.S.C. 102(b)

Claims 1-5 and 6-13 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over EP 0 860 978 A2 to Fukasaka. Applicant traverses this rejection.

The cited reference to Fukasaka does not disclose the feature of claim 1 that “before said resume signal is transmitted to said computer, said image sensing apparatus determines whether said computer is in a suspended state or not, and if it is determined that said computer is in the suspended state, said image sensing apparatus transmits said resume signal to said computer to release the suspended state.” Further, the image capturing apparatus disclosed in the cited reference Fukasaka does not confirm whether or not a computer is in a suspended state. The amendments to Claims 9 and 10 are consistent with the amendments to Claim 1. As such, the subject matter recited in independent Claims 1, 9, and 10, as well as dependent Claims 2-8 and 14-21, are distinguished over Fukasaka reference.

Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

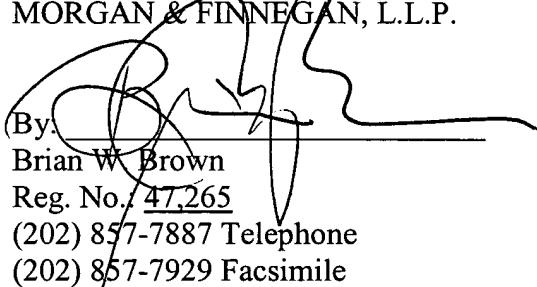
CONCLUSION

Applicant respectfully submits that Claims 1-10 and 14-21 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4623.

Respectfully submitted,
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